

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Auto Detection for Universal Answering Modem Ports

The specification of which
a. X is attached hereto
b. _____ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (see the last page attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, Sections 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. XX no such applications has been filed.
- b. _____ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC Section 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, Sections 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

--	--	--

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

MICHAEL FARJAMI, Reg. No. 38,135	KEITH KIND, Reg. No. 42,735
FARSHAD FARJAMI, Reg. No. 41,014	KELLY H. HALE, Reg. No. 36,542
DANIEL N. YANNUZZI, Reg. No. 36,727	

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them to the contrary.

Please direct all correspondence in this case to FARJAMI & FARJAMI LLP at the address indicated below:

FARJAMI & FARJAMI LLP
16148 Sand Canyon
Irvine, California 92618
Telephone: (949) 784-4600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	FULL NAME FIRST Name: Joel OF INVENTOR		Middle Initial(s): D.	LAST Name: Peshkin	
	RESIDENCE & City CITIZENSHIP San Juan Capistrano	State or Foreign Country California		Country of Citizenship USA	
	POST OFFICE ADDRESS 31851 Paseo Terrazas	City San Juan Capistrano	State or Country California	Zip Code 92675	
202	FULL NAME FIRST Name: Diep OF INVENTOR		Middle Initial(s): H.	LAST Name: Le	
	RESIDENCE & City CITIZENSHIP LAKE FOREST	State or Foreign Country California		Country of Citizenship USA	
	POST OFFICE ADDRESS 22781 BELQUEST DR	City LAKE FOREST	State or Country California	Zip Code 92630	
203	FULL NAME FIRST Name: Hiep OF INVENTOR		Middle Initial(s): B.	LAST Name: Nguyen	
	RESIDENCE & City CITIZENSHIP PLACENTIA	State or Foreign Country California		Country of Citizenship USA	
	POST OFFICE ADDRESS 631 North Muro Circle	City PLACENTIA	State or Country California	Zip Code 92870	
204	FULL NAME FIRST Name: Simon OF INVENTOR		Middle Initial(s):	LAST Name: Zhu	
	RESIDENCE & City	State or Foreign Country		Country of Citizenship	

CITIZENSHIP		California	
POST OFFICE ADDRESS		City	State or Country California
Zip Code			

Signature of Inventor 201 <i>Jul O'Brien</i>	Signature of Inventor 202 <i>Daphne</i>	Signature of Inventor 203 <i>Andy Balguy</i>	Signature of Inventor 204
Date 11/26/2001	Date 11/26/2001	Date 11/26/2001	Date

1000923-12001
T09021 " 526800T

37 C.F.R. Section 1.56 - Duty to disclose information material to patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

Prior art cited in search reports of a foreign patent office in a counterpart application, and

The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

It refutes, or is inconsistent with, a position the applicant takes in:

Opposing an argument of unpatentability relied on by the Office, or

Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

Each inventor named in the application;

Each attorney or agent who prepares or prosecutes the application; and

Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Auto Detection for Universal Answering Modem Ports

The specification of which

a. X is attached hereto

b. _____ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (see the last page attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, Sections 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. XX no such applications has been filed.

b. _____ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC Section 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, Sections 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

MICHAEL FARJAMI, Reg. No. 38,135
FARSHAD FARJAMI, Reg. No. 41,014
DANIEL N. YANNUZZI, Reg. No. 36,727

KEITH KIND, Reg. No. 42,735
KELLY H. HALE, Reg. No. 36,542

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them to the contrary.

Please direct all correspondence in this case to FARJAMI & FARJAMI LLP at the address indicated below:

FARJAMI & FARJAMI LLP
16148 Sand Canyon
Irvine, California 92618
Telephone: (949) 784-4600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	FULL NAME FIRST Name: Joel OF INVENTOR		Middle Initials(s): D.	LAST Name: Peshkin	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country California		Country of Citizenship	
	POST OFFICE ADDRESS	City	State or Country California	Zip Code	
202	FULL NAME FIRST Name: Diep OF INVENTOR		Middle Initials(s): H.	LAST Name: Le	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country California		Country of Citizenship	
	POST OFFICE ADDRESS	City	State or Country California	Zip Code	
203	FULL NAME FIRST Name: Hiep OF INVENTOR		Middle Initials(s):	LAST Name: Nguyen	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country California		Country of Citizenship	
	POST OFFICE ADDRESS	City	State or Country California	Zip Code	
204	FULL NAME FIRST Name: Xiaogang (Simon) OF INVENTOR		Middle Initials(s):	LAST Name: Zhu	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country California		Country of Citizenship Canada	

[illegible]00CXT0043N

37 C.F.R. Section 1.56 - Duty to disclose information material to patentability.

A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by Sections 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

Prior art cited in search reports of a foreign patent office in a counterpart application, and

The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

It refutes, or is inconsistent with, a position the applicant takes in:

Opposing an argument of unpatentability relied on by the Office, or

Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

Each inventor named in the application;

Each attorney or agent who prepares or prosecutes the application; and

Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.